

Notice of Allowability

Application No.

10/636,111

Examiner

Sandra K. Poulos

Applicant(s)

MUKKAMALA, RAVINDRANATH

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 2/13/06.
2. ☒ The allowed claim(s) is/are 1,4,8-11.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

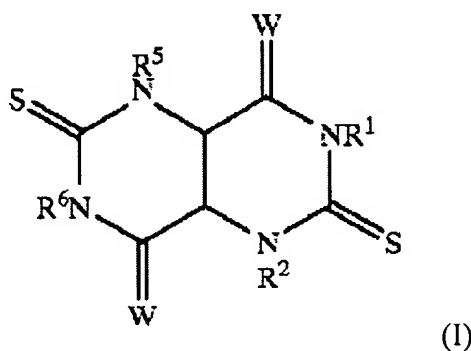
2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Kenneth Crimaldi on April 27, 2006.

3. The application has been amended as follows:

In Claim 1, remove all text and formulas and replace with:

"A composition comprising:

(a) from 0.1% to 20% of a least one cyclic thiourea compound of formula I:



wherein W is O or S; R¹, R², R⁵ and R⁶ independently are hydrogen, alkyl, alkenyl, aryl or aralkyl; and

(b) a lubricating oil."

In Claim 4, remove "claim 3" and insert "claim 1".

Cancel Claim 7.

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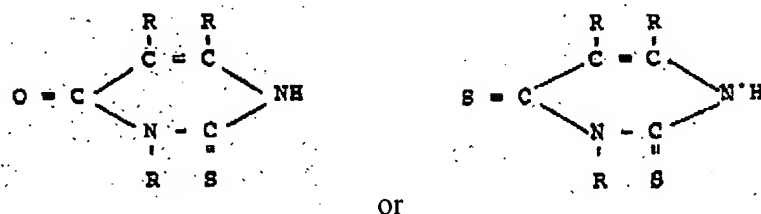
In Claim 8 remove "claim 7" and insert "claim 1".

Statement of Reasons for Allowance

4. The present claims are allowable over the closest prior art Reale Jr. (US 3,901,815), Sullivan (US 3,939,084), Holt et al (US 4,189,587), and WO 0053703 for the following reasons:

The present claims are drawn to a composition that includes a cyclic thiourea compound (as seen above) with a lubricating oil.

Reale (cited as a "Y" reference on the European search report) discloses a lubricating oil composition with a thiouracil compound of the formula:



The structure disclosed by Reale is clearly different from the currently claimed structure, nor is there suggestion of the claimed structure; thus Reale is not applicable against the current claims.

Sullivan (cited as an "X" reference on the European search report) discloses a lubricating composition with an additive that may contain a uracil component. It should be noted that the reference was not an "X" with respect to claim 7, which is now in claim 1. The current structure is not disclosed or suggested by Sullivan.

Holt and WO 0053703 (equivalent to US 5,935,913) are both "Y" references on the European search report but do not contain or suggest the currently claimed structure.

Thus, it is clear that Reale, Sullivan, Holt et al, and WO 0053703 do not disclose or suggest the claimed invention.

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In light of the above, it is clear that rejections of record are untenable and thus the present claims are passed to issue.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Suzuki et al (US 4,002,479) discloses a thiouracil similar in structure to the originally (not currently) claimed compound.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra K. Poulos whose telephone number is (571) 272-6428. The examiner can normally be reached on M-F 7:30-4:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571) 272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SKP

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